

N. Mandatory Unpaid Days (This paragraph is in effect from November 28, 2009 through June 24, 2010.)

During state fiscal year 2010 the Governor of Iowa ordered noncontractual employees to take seven unpaid days (56 hours), and the SPOC and AFSCME bargaining units entered into memorandums of understanding agreeing that each covered employee will take five unpaid days (40 hours). Temporary or part-time employees will take mandatory unpaid days on a pro-rated basis.

1. Mandatory unpaid days must be requested and approved in advance using DPS Form 7, *Application for Leave*, by checking the block *Other* under the column of *Leave Without Pay*. More than one DPS Form 7 may be required depending on the dates requested by the employee.

- a. All noncontract and SPOC employees will submit their requests for all required days (5, 7, or pro-rated) to their supervisor no later than January 4, 2010. Noncontract and SPOC employees' requests for less than a full day will not be made in less than 4 hour increments. AFSCME covered employees are encouraged to submit their requests for all required days to their supervisor no later than January 4, 2010, however if the request is not submitted by March 1, 2010, the employee's supervisor shall contact the DPS Executive Officer. The DPS Executive Officer will contact AFSCME to discuss this situation prior to supervisors scheduling mandatory unpaid days for an AFSCME covered employee who has not scheduled the required number of mandatory unpaid days. AFSCME covered employees are encouraged to submit their requests for less than a full day in 4 hour increments, however they will not submit requests for less than a full day in less than 1 hour increments.
- b. Employee requests will be approved per applicable collective bargaining agreements based on staffing needs if the request is submitted by the aforementioned deadlines. If requests are not submitted by the aforementioned deadline then supervisors will schedule noncontract and SPOC covered employee's days based on staffing needs. Supervisors will not schedule SPOC covered employees for more than three mandatory unpaid days prior to March 1, 2010. Supervisors may re-schedule a mandatory unpaid day at the employee's request if staffing needs can be met.
- c. The approval or denial shall be in writing, with a copy retained by both the requesting employee and the supervisor. Noncontractual employees will not be scheduled for more than two mandatory unpaid days in any one pay period.
- d. Denial of the request to schedule mandatory unpaid days may be appealed to the denying supervisor's next higher level manager for review and decision.
- e. Once the employee's days have been scheduled the supervisor will forward a copy of the approved DPS Form 7 to the division/bureau person designated to compile the scheduling of these days.
- f. A schedule of approved mandatory unpaid days will be forwarded to the Administrative Services Division, Finance Bureau. The Finance Bureau will track and monitor the usage of these days by reviewing appropriate payroll records to confirm the employee took the scheduled day(s) and will complete and process a DAS Form P-9 and request the employee's sick leave and vacation leave be adjusted to reinstate the lost vacation and sick time accrual due to taking a mandatory unpaid day(s).

2. Mandatory unpaid days may be scheduled and taken from November 28, 2009 through June 24, 2010, however it is desirable to have these days scheduled and completed by June 1, 2010. Mandatory unpaid days will not be allowed to be scheduled on a state designated holiday. Mandatory unpaid days may be requested and scheduled the day before or after a state designated holiday and the employee will still be paid for the holiday.

3. Employees on a mandatory unpaid day(s) will be treated as though they are on a vacation day(s) for the purposes of being requested to report for duty. A supervisor will only request an employee report for duty when they are on a mandatory unpaid day(s) in cases of an extreme emergency and no other options are available to respond. For AFSCME or SPOC covered employees, mandatory unpaid days taken will be considered as time worked for the purpose of calculating overtime.

4. Although an employee cannot request to use compensatory time, vacation time, or any other paid status in lieu of taking mandatory unpaid day(s), employees may request payment of their accumulated compensatory time in accordance with the provisions of the applicable collective bargaining agreement.

5. If an employee is in any other type of unpaid status while this section is in effect such as unpaid military leave, unpaid sick leave, or other unpaid leave, and they meet or exceed the required number of mandatory unpaid days they are required to take, then the employee will not be required to take mandatory unpaid days in addition to the other unpaid leave. Unpaid leave due to disciplinary actions will not count towards an employee's requirement of mandatory unpaid days.

6. If an employee is selected for a position that will place them in a different category (noncontractual, SPOC, AFSCME) then the employee will complete all mandatory unpaid days for each category on a prorated basis depending on the amount of time spent in the position covered by the aforementioned categories. All noncontractual positions that become vacant during the time period this section is in effect will remain vacant for a period of time which ensures the sufficient cost savings are realized to offset the costs of vacation payouts.

7. Employees who retire between November 28, 2009 and June 24, 2010 will take a prorated amount of mandatory unpaid days between now and when they retire. This will be one day for each month employed during the aforementioned time period, up to the maximum number of days they are required to take based on which employee category they belong. For retiring non-contract employees the proration of days shall be one day for each month worked beyond November 30. For retiring AFSCME and SPOC employees, the proration of days shall be determined by dividing the number of months worked after November 30 by seven (7) and multiplied by five (5). Fractional days shall be rounded to the nearest hour.

8. Employees who have questions regarding their eligibility for unemployment benefits when taking mandatory unpaid days should contact their local Iowa Workforce Development (IWD) office to inquire about their eligibility or visit the IWD website at www.iowaworkforce.org/ui/file1/htm